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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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08/880,665 06/23/97 HASEGAWA

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| EXAMINER |
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LM02/0830

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NEW YORK NY 10118-0110

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| ART UNIT | PAPER NUMBER |
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2746
DATE MAILED:

08/30/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/880,665

Applicant(s)
Hasegawa

Examiner
Simon D Nguyen

Group Art Unit
2746



☒ Responsive to communication(s) filed on Jun 23, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-35 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1-25 is/are allowed.

☒ Claim(s) 26-33 is/are rejected.

☒ Claim(s) 34 and 35 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

1. This current application has been transferred to examiner Simon Nguyen.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 26-27 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey et al. (5,189,734) in view of Tanaka (5,845,212).

Regarding claims 26 and 33, Bailey discloses a cellular radio system (fig.1) in which a mobile station 10 selects a base station to which a request for a channel is to be issued (column 3 lines 33-67, column 4 lines 1-20), based on an order of priority of a plurality of base stations (column 2 lines 55-67, column 3 lines 1-5). It is noted that the mobile station 10 inherently has a control means for selecting a base station. However, Bailey fails to teach that the above information included in announcement information.

Tanaka discloses a cellular system (fig.2) in which an announcement information is transmitted from base stations 12a-12c to a mobile station 11 (column 2 lines 15-50). It would have been obvious to one skilled in the art at the time the invention was made to implement the teaching of Tanaka in the cellular system of Bailey. The motivation for using the teaching of Tanaka in the cellular system of Bailey being that it provides a new way to receive a message by announcing by voice which forces a user to pay more attention.

Regarding claim 27, Tanaka discloses a transmitting and receiving section 110, 112 of a mobile station (fig.3).

4. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey et al. (5,189,734) in view of Tanaka (5,845,212) as applied to claim 26 above, and further in view of Toshiyuki et al. (5,093,924).

Bailey and Tanaka, applied to claim 26, failed to disclose a mobile system having a measuring means for measuring a reception level and a control means includes determining means for determining the reception level, where the mobile measures and determines if channel reception is higher than a predetermined level.

Toshiyuki discloses a mobile communication system (fig.2 and 5) in which a mobile station 6 (fig.2) further comprises a measuring means for measuring the reception level 112 (fig.5) and measures and determines whether the reception level in a reception level determining channel is equal or exceeds a predetermined level (abstract and column 7 lines 13-20, 46-63). It would have been obvious to one skilled in the art at the time the invention was made to have Bailey, modified by Tanaka, and further modified by using the measuring means and the determining means of Toshiyuki. The motivation for using the measuring means to measure the reception level of received signal of Toshiyuki in the selected service zone based on order of priority of Bailey and Tanaka being that it reduces the transmission power of the mobile station and increasing the subscriber capacity by accounting for the uplink interference power at each base station.

Regarding claims 30-32, Bailey discloses further that the transmission means includes first transmission means for issuing a request to a current base station B1 (fig.1) , the second

transmission means to the next base station B2, and the third transmission means for selecting a handover (column 3 lines 33-67, column 4 lines 1-20 of Bailey).

Allowable Subject Matter

5. Claims 34-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 34-35, the prior art of record failed to disclose an arranging means for ordering the announcement information so as to arrange information relating to reception level determining channels in a descending order of priority.

6. Claims 1-25 are allowed.

7. The following is an examiner's statement of reasons for allowance:

Regarding claims 1, 8-9, and 16-17.

The prior art of record failed to disclose a announcing means for generating and broadcasting information including the order of priority assigned to radio zones wherein the order of priority being assigned in accordance with a probability density given to each of the plurality of radio zones.

Regarding claims 2-7.

The prior art of record failed to specifically disclose an announcing means for transmitting announcement information which includes identification information for identifying radio channels, wherein the identification information being arranged in the announcement information according to respective positions in the hierarchy of overlapping zones.

Regarding claims 10-15, and 18-25, these claims are allowed as being dependent upon independent claims that have been allowed.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (703) 308-1116. The examiner can normally be reached on Monday-Friday from 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications intended for entry)

or:

(703) 308-6296, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered response should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Simon Nguyen

August 26, 2000

Simon Nguyen

FAN TSANG
SUPERVISORY PATENT EXAMINER
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Fan Tsang